

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DEVON ARCHULETA,

Plaintiff,

v.

No. 1:19-CV-473 DHU/KRS

KILOLO KIJAKAZI,

Acting Commissioner of Social Security Administration,

Defendant.

SECOND ORDER SETTING BRIEFING SCHEDULE

THIS MATTER comes before the Court on Plaintiff's letter to the Court, dated June 17, 2022. (Doc. 28). On March 2, 2022, this case was reopened pursuant to the Social Security Administration's Motion to Reopen. *See* (Doc. 20). The Court entered a briefing schedule and ordered Plaintiff to file a Motion to Reverse or Remand Administrative Agency Decision no later than May 3, 2022. (Doc. 22). This case was subsequently reassigned to the undersigned as the pretrial judge. (Doc. 24). Plaintiff did not file a Motion to Remand and did not request an extension of time to do so. Consequently, on May 24, 2022, the Court entered an Order to Show Cause ordering Plaintiff to either file a Motion to Reverse or Remand Administrative Agency Decision, or file a response to the Order showing cause why this case should not be dismissed for failure to prosecute. (Doc. 27).

Plaintiff's response to the Order to Show Cause was due June 6, 2022. *Id.* On June 23, 2022, a letter from Plaintiff was filed on the Court's docket, in which Plaintiff states that he did not receive the Court's Order in time to meet the June 6 deadline because he was unable to receive or send mail for several weeks. (Doc. 28) at 1. Plaintiff asks for additional time to

submit his Motion to Reverse or Remand. *Id.* at 2. Considering Plaintiff's letter, the Court will set new briefing deadlines for this case.

IT IS THEREFORE ORDERED that:

On or before **August 15, 2022**, Plaintiff shall file and serve a Motion to Reverse or Remand Agency Decision with Supporting Memorandum;

On or before **October 14, 2022**, Defendant shall file and serve a Response; and

On or before **October 28, 2022**, Plaintiff may file and serve a Reply.

Plaintiff's failure to comply with these deadlines may result in dismissal of this case for failure to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (explaining that a district court has inherent power to dismiss a case *sua sponte* for failure to prosecute or for failure to comply with a court order).

IT IS FURTHER ORDERED that all motions, responses, replies, and supporting memoranda shall specifically cite to the administrative record for assertions of fact (*e.g.*, AR 15) and that legal propositions shall be supported by appropriate authority.

IT IS FURTHER ORDERED that all requests for extensions of time altering the deadlines set in this Order shall be made through a motion to the Court. If the parties concur in seeking an extension of time, they shall submit a stipulated proposed order for Court approval.



KEVIN R. SWEAZE
UNITED STATES MAGISTRATE JUDGE